

tion requirement is deemed proper in light of the following:

The Examiner contends that the Claims of Groups (I) and (II) lack unity of invention under PCT Rule 13.1 for lack of one or more of the same or corresponding technical feature(s) qualifying as the "*special technical feature(s)*" which distinguish each of the inventions when taken as a whole over the art. More particularly, the Examiner takes the position that the ester of formula (III) is known for the use in an electrolyte system, referring to the teaching of **Akio et al.** (JP--A 10/189,038) and **Kita et al.** (EP--A 704 922). Favorable reconsideration of the Examiner's position is solicited since

- the disclosure of **Akio et al.** does not constitute prior art to the present application which is entitled to the priority date of German application No. 197 43 748.6 as acknowledged by the Examiner, and
- **Kita et al.** do not disclose esters of applicants' formula (III) because the phosphoric acid compounds of **Kita et al.** fail to meet applicants' requirement that at least one of the groups R¹, R², R³ or R⁴ is $(-CH_2-CH_2-O)_n-CH_3$ with $n = 1$ to 3.

It is respectfully urged that the esters of formula (I) to (V) clearly qualify as the the "*special technical feature(s)*" common to all of the inventions defined in applicants' claims and that those claims, therefore, meet the requirements of PCT Rule 13.1. Favorable action is solicited.

The Examiner has further required election of, and restriction of the application to, claims relating to one of the following species of esters:

- (1) compounds of formula (I) or formula (Ia);
- (2) compounds of formula (II) or formula (IIa);
- (3) compounds of formula (III) or formula (IIIa);
- (4) compounds of formula (IV) or formula (IVa); and
- (5) compounds of formula (V) or formula (Va).

Applicants herewith elect the species of Group (5) represented by formula (IIIa) with traverse. Claims 1 to 20 read on the elected species as follows:

- Claims 11 to 14 read on a method of using the ester or as a solvent in electrolyte systems for Li-ion storage cells;
- Claims 15 and 16 read on a composition comprising the ester and a particular conducting salt (B);
- Claims 17 and 18 read on a Li-ion storage cell comprising the ester of the composition comprising the ester;
- Claim 19 reads on a method of using the composition comprising the ester as an electrolyte system in Li-ion storage cells; and
- Claim 20 reads on a process for making the ester.

To the extent that the Examiner's election requirement amounts to a requirement to restrict the generic scope of the claims traversal is deemed proper in light of the following:

The Examiner contends that the species lack unity of invention under PCT Rule 13.1 for lack of one or more of the same or corresponding technical feature(s) qualifying as the "*special technical feature(s)*" which distinguish each of the inventions when taken as a whole over the art, in light of the teaching of *Akio et al.* (JP--A 10/189,038) and *Kita et al.* (EP--A 704 922) as applied in the restriction requirement concerning Groups (I) and (II). Favorable reconsideration of the Examiner's position is respectfully solicited for the same reason as set forth in the foregoing.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a two month extension of time be granted in this case. A check for the \$390.00 fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Herbert B. Keil

Reg. No. 18,967

1101 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

HBK/BAS